

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DeANGELO LAMONT THOMAS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:05CV197 LMB
)	
UNKNOWN JOHNSON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for leave to proceed in forma pauperis on appeal. The motion will be denied.

Pursuant to 28 U.S.C. § 1915(a)(3), "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."

On September 27, 2007, the Court granted summary judgment in favor of defendants on plaintiff's claims that his Eighth Amendment rights were violated. The facts showed that plaintiff was a non-compliant prisoner and that defendants took reasonable steps to ensure his compliance. The facts additionally showed that plaintiff received medical attention when he requested it. As a result, plaintiff failed to show that his constitutional rights were violated

Because plaintiff failed to demonstrate the denial of a constitutional right, the Court finds that the appeal is not taken in good faith. As a result, plaintiff's motion


to proceed in forma pauperis on appeal will be denied pursuant to 28 U.S.C. § 1915(a)(3).

Accordingly,

IT IS HEREBY CERTIFIED that the appeal is not taken in good faith.

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis on appeal is **DENIED**.

Dated this 3rd day of December, 2007.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE